

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Michael Acampora	Team: Team # 6	CCRB Case #: 201304397	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 05/15/2013 11:30 PM	Location of Incident: § 87(2)(b)	Precinct: 67	18 Mo. SOL 11/15/2014	EO SOL 11/15/2014	
Date/Time CV Reported Thu, 05/16/2013 12:24 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 05/22/2013 12:24 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Terrell Anderson	00000	933551	GANG BS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Peter Carretta	00000	917387	GANG BS
2. DT3 Charne Jimenez	425	940304	GANG BS
3. DT3 Dominick Latorre	2707	947147	GANG BS
4. DT3 Timothy Sheridan		894360	GANG BS

Officer(s)	Allegation	Investigator Recommendation
A.SGT Terrell Anderson	Abuse: Sgt. Terrell Anderson entered and searched § 87(2)(b) in Brooklyn.	§ 87(2)(b)

Case Summary

On May 16, 2013, § 87(2)(b) filed this complaint with IAB via phone (encl. 4A-4B). The CCRB received this complaint on May 22, 2013; via IAB log #13-21279 (encl. 5A-5B).

On May 15, 2013, § 87(2)(b) was at her home at § 87(2)(b) § 87(2)(b), in Brooklyn, when Sgt. Terrell Anderson, Det. Dominick Latorre, and Det. Timothy Sheridan of Brooklyn South Gang Squad arrived in regards to an investigation. As a result, the following allegation occurred:

- **Allegation A—Abuse of Authority: Sgt. Terrell Anderson entered and searched § 87(2)(b) § 87(2)(b), in Brooklyn.**

On July 1, 2013, § 87(2)(b) agreed to mediate her complaint. However, due to issues with officer identification, MOS interviews were required, thus making this case ineligible for mediation.

Results of Investigation

Civilian Statement

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) old on the date of the incident, § 87(2)(b) is a black female who is 5'8", with brown eyes, and black hair. § 87(2)(b)

CCRB Statement

On July 1, 2013, § 87(2)(b) was interviewed at the CCRB (encl. 6A-6C). Her statement is summarized below.

On May 15, 2013, at approximately 11:30 p.m., § 87(2)(b) was asleep inside her apartment at 270 East 95th Street, in Brooklyn when she heard two knocks on her front door. § 87(2)(b) immediately went to the door, and asked who it was. Through the door, a voice said that they were the police, and asked if her son, § 87(2)(b) was home. § 87(2)(b) said he was not home, and the police said that they had a warrant. § 87(2)(b) said okay, and then heard the officers talking amongst themselves about a warrant, but she could not elaborate further on this discussion. § 87(2)(b) said excuse me, and the officers told her that they wanted to ask § 87(2)(b) a few questions, and asked her if he was on probation. § 87(2)(b) said that § 87(2)(b) is on probation, and the police told her that because he is on probation she had to open the door.

§ 87(2)(b) opened her apartment door approximately two inches, and four plainclothes officers (identified by the investigation as Sgt. Terrell Anderson, Det. Dominick Latorre, Det. Timothy Sheridan, and an unidentified officer, PO1) pushed open the door further and entered § 87(2)(b)'s apartment. § 87(2)(b) was pushed against a wall behind the door next to the kitchen as the officers entered. § 87(2)(b) stated that she allowed the officers into her apartment because they had said that he was on probation.

§ 87(2)(b) described Det. Sheridan as a white male who was tall (6'0"), stout (210 lbs.), in his late 40s, with short black hair. § 87(2)(b) described Det. Latorre as a Hispanic male, who was 5'8"-5'9", 160 lbs., in his mid-20s, with short black hair. § 87(2)(b) described Sgt. Anderson as a Hispanic male with dark skin who was 5'7", in his early 30s, with dark hair. § 87(2)(b) was only able to describe PO1 as male.

The officers asked § 87(2)(b) to stand in the kitchen, and said they wanted to look around. Sgt. Anderson said that he was in charge. § 87(2)(b) observed Det. Sheridan go into her room and look around for a moment, while the other officers went into § 87(2)(b)'s room and told his child (§ 87(2)(b)) and his child's mother (§ 87(2)(b)) to also go into the kitchen.

Det. Sheridan and Det. Latorre went into the kitchen with § 87(2)(b) and § 87(2)(b). § 87(2)(b) and § 87(2)(b) heard Sgt. Anderson and PO1 searching § 87(2)(b)'s room. Det. Sheridan and Det. Latorre blocked § 87(2)(b)'s view of § 87(2)(b)'s room, but § 87(2)(b) could hear them going back and forth in the room, and saw their shadows.

§ 87(2)(b) asked the officers in the kitchen what was going on, and they told her that they were checking to see if § 87(2)(b) was in the apartment. § 87(2)(b) asked Det. Sheridan for a search warrant, and Det. Sheridan told her that they do not have one, as § 87(2)(b) is on probation and they therefore did not need one. § 87(2)(b) said that the officers needed a search warrant, and they told her that they did not.

§ 87(2)(b) told the officers that she had to go to work, and asked how long the search was going to take. § 87(2)(b) asked that if § 87(2)(b) is not in the apartment, what was going on. An officer said that they would explain to her in a minute. § 87(2)(b) then said she was going to sleep, and walked to her room. § 87(2)(b) started to walk to her room and saw the officers searching § 87(2)(b)'s room, and they told her to go back to the kitchen. Sgt. Anderson and PO1's initial search of § 87(2)(b)'s room was approximately 15-20 minutes long.

§ 87(2)(b) returned to the kitchen and asked if she could make a call. The officers told her that she could not. Sgt. Anderson came into the kitchen and said he was going to explain what was going on, and then asked if they could get in contact with § 87(2)(b). § 87(2)(b) called § 87(2)(b) on her cell phone, but he did not answer. Approximately five minutes later, § 87(2)(b) called the house phone while everyone was sitting and waiting for his call. The police told § 87(2)(b) she could not answer the phone, and she told them that it was § 87(2)(b) so they allowed her to answer. § 87(2)(b) asked § 87(2)(b) where he was, and told him that the police were looking for him. § 87(2)(b) said he was at the stationhouse with his friend. The police asked to speak to him on the phone, and Det. Sheridan grabbed the phone and gave it to Sgt. Anderson, who went into the hall of the apartment building to talk. Sgt. Anderson talked to § 87(2)(b) for approximately three minutes. During that time, everyone else remained in the kitchen waiting for the call to finish.

Sgt. Anderson came back into the apartment and gave § 87(2)(b) the phone. Sgt. Anderson and PO1 then went back into § 87(2)(b)'s room again. § 87(2)(b) could see their shadows and heard them going back and forth. § 87(2)(b) heard the officers speaking to each other while they were searching § 87(2)(b)'s room, but she could not make out what they were saying. § 87(2)(b) said that the officers' second search of § 87(2)(b)'s room was approximately five to

seven minutes. The next thing § 87(2)(b) knew, she was told § 87(2)(b) was arrested. At no point did the officers explain to § 87(2)(b) why they were searching her apartment. As the officers were walking out of § 87(2)(b)'s apartment and going down the stairs of the building, one of them turned around and said, "There she goes with the questions again." § 87(2)(b) was standing in her doorway, and again told the officers that they had been searching without a warrant. Sgt. Anderson turned around with a smirk on his face and said, "Your son is selling drugs." Det. Latorre turned around and made a comment about the apartment being, "squeaky-clean." § 87(2)(b) did not understand what this meant, and asked if the officers expected her apartment to be dirty.

§ 87(2)(b) stated that the entire interaction lasted approximately half an hour. § 87(2)(b) has not seen or interacted with the subject officers since the incident.

Photo Viewing

On September 16, 2014, the undersigned conducted a photo viewing with § 87(2)(b) of all the officers listed on the search warrant tactical plan (encl. 7A). § 87(2)(b) identified Det. Charne Jimenez as having been present and standing by her door during the incident and stated that Det. Dominick Latorre was one of the officers who searched the rooms of her apartment and claimed that it was, "squeaky-clean" (encl. 7B).

Civilian Not Interviewed

§ 87(2)(b) was not present at the time of the entry, as she was in § 87(2)(b)'s room. Moreover, at the time of the alleged search of § 87(2)(b)'s room, § 87(2)(b) was in the front room of the apartment with § 87(2)(b) and, like § 87(2)(b) was consequently not in a position to witness the alleged search. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

NYPD Statements:

Subject Officer: SGT. TERRELL ANDERSON

- § 87(2)(b) old on the date of the incident, Sgt. Anderson is a black male who is 5'10", 190 lbs., with black hair, and brown eyes.
- On the date of the incident, Sgt. Anderson was assigned to warrant enforcement with Det. Timothy Sheridan and Det. Dominick Latorre. The officers were in plainclothes.
- Sgt. Anderson has since been promoted to lieutenant, but as he was a sergeant at the time of the interview, he will be referred to as such.

Memo Book: Sgt. Anderson's memo book that included the entry for this incident was destroyed in a car accident. Sgt. Anderson provided UF-61 § 87(2)(b) (encl. 19A-19B) as evidence of the memo book's destruction.

CCRB Statement

On October 6, 2014, Sgt. Terrell Anderson was interviewed at the CCRB (encl. 20A-20C). His statement is summarized below.

On May 15, 2013, Sgt. Anderson executed a search warrant with the officers listed on the tactical plan at § 87(2)(b) in Brooklyn. The officers secured the location and arrested one of

the two subjects listed on the warrant. § 87(2)(b) the other subject, was not present, but some of his clothes and mail were at the location.

Sgt. Anderson had reviewed the case file for the investigation prior to executing the search warrant, and saw that § 87(2)(b) had an additional address on file from his past arrests. The address was the incident location (§ 87(2)(b) in Brooklyn), which was around the corner from § 87(2)(b). The case file noted that § 87(2)(b) sold drugs and took up residence with § 87(2)(b) at the second (incident) location.

As Sgt. Anderson knew the incident location was around the corner from the search warrant location, he decided to walk there to see if § 87(2)(b) was present. Sgt. Anderson brought Det. Sheridan and Det. Latorre with him, and the officers walked to the incident location.

Sgt. Anderson knocked on the door of § 87(2)(b) and § 87(2)(b) opened the door. Sgt. Anderson identified himself by name, said he was with the NYPD, and showed § 87(2)(b) his shield. Sgt. Anderson did not speak to § 87(2)(b) through the door prior to his interaction.

Sgt. Anderson asked § 87(2)(b) if her son was home, and she said that he was not. Sgt. Anderson asked if he could come into to verify that § 87(2)(b) was not home. § 87(2)(b) said that Sgt. Anderson could check, told him, “Come in,” and then opened the door to the apartment, stepped back, and walked into the apartment. No officers pushed open § 87(2)(b)'s door at any point. Sgt. Anderson did not push § 87(2)(b) against a wall upon entry, and the other officers did not do so.

Sgt. Anderson walked into the apartment and saw a second woman and a child in the living room. Sgt. Anderson asked § 87(2)(b) where § 87(2)(b)'s bedroom was. She pointed to a bedroom, and Sgt. Anderson asked if she minded if he checked the room. § 87(2)(b) said that it was okay, but asked what this was about. Sgt. Anderson told § 87(2)(b) that the officers were conducting an investigation and needed to locate her son.

Sgt. Anderson walked into § 87(2)(b)'s bedroom, saw that he was not in it, and turned around to exit. As Sgt. Anderson walked out of the room, he saw a suitcase in between a TV stand and a bed. On top of the bed, in plainview, was a firearm. Sgt. Anderson was in the bedroom for approximately two seconds.

Sgt. Anderson exited the room, and called over Det. Sheridan. He brought Det. Sheridan into the room and showed him the firearm. Sgt. Anderson confirmed the firearm was real by picking it up to feel the weight, and also seeing the bullets. Det. Latorre spoke to § 87(2)(b) while this occurred.

Sgt. Anderson left the room and asked § 87(2)(b) how often she goes into her son's room. § 87(2)(b) said that she never goes in § 87(2)(b)'s bedroom. Sgt. Anderson then spoke to the younger woman, who said that she was § 87(2)(b)'s girlfriend and the mother of his child, identified by the investigation as Doniqua Christian. Sgt. Anderson asked § 87(2)(b) if she lived at the location and she said that that did not, but that she does stay over. Through the conversations with the two women, Sgt. Anderson determined that § 87(2)(b) would be held responsible for the firearm. Sgt. Anderson did not go into any additional rooms in the apartment, and did not see the other officers do so.

Sgt. Anderson told § 87(2)(b) that he needed to locate her son and asked her to call him. § 87(2)(b) said that that was fine and called him. § 87(2)(b) told § 87(2)(b) the police were at her apartment and then handed the phone to Sgt. Anderson. Sgt. Anderson introduced himself to § 87(2)(b) and asked him where he was. § 87(2)(b) said that he was at the 67th Precinct because, “[his] boy got arrested,” and that he was there to inquire about the search warrant that had been executed. § 87(2)(b) asked Sgt. Anderson what was going on and the sergeant told him to wait for him at the precinct so they could talk.

After the call, § 87(2)(b) asked Sgt. Anderson what this was about. Sgt. Anderson told her that the officers were conducting an investigation and there was contraband in his room (he did not specify to her what the contraband was). Sgt. Anderson stated that § 87(2)(b)'s demeanor was calm throughout the interaction, but that she was curious about what was going on. § 87(2)(b) never protested the officers being inside her apartment.

Sgt. Anderson decided that getting a search warrant for the incident location would not be fruitful, since he did not believe there was other contraband on the premises other than the firearm. Because the gun was in plainview, Sgt. Anderson went into the room, secured it, and left the apartment with the other officers. The officers were at the apartment for approximately ten minutes. Afterwards, the officers returned to the 67th Precinct and § 87(2)(b) was placed under arrest.

Sgt. Anderson did not mention the original search warrant to § 87(2)(b). Sgt. Anderson did not tell § 87(2)(b) that he did not need a warrant because her son was on probation, and he did not hear any other officers say that. Sgt. Anderson stated that § 87(2)(b) being on probation did not come up at all. Sgt. Anderson did not tell § 87(2)(b) that her son was selling drugs, and did not hear any other officers do so.

Witness Officer: DET. DOMINICK LATORRE

- § 87(2)(b) *old on the date of the incident, Det. Latorre is a white male who is 5'11", 200 lbs., with brown hair, and blue eyes.*
- *On the date of the incident, Det. Latorre worked from 12:00 p.m. to 8:33 p.m. He was assigned to warrant enforcement with Det. Timothy Sheridan. The officers were in plainclothes.*

Memo Book: Det. Latorre's memo book (encl. 16A-16B) notes at 10:00 p.m., he assisted with a search warrant in the 67th Precinct.

CCRB Statement

On October 2, 2014, Det. Dominick Latorre was interviewed at the CCRB (encl. 17A-17B). His statement is summarized below.

On May 15, 2013, Det. Latorre executed a search warrant at § 87(2)(b) in Brooklyn with Sgt. Anderson, Det. Sheridan, and the rest of the team listed on the tactical plan. At some point during the execution of the warrant, Sgt. Anderson directed Det. Latorre and Det. Sheridan to come with him to a second location (the incident location). Det. Latorre did not know why the sergeant wanted him to accompany to the second location.

Det. Latorre, Sgt. Anderson, and Det. Sheridan walked from § 87(2)(b) to § 87(2)(b). The officers entered the apartment building and approached the door to apartment #§ 87(2)(b). Sgt. Anderson knocked on the door and an elderly woman (identified by the investigation as § 87(2)(b)) answered. Sgt. Anderson had a verbal interaction with § 87(2)(b) and spoke to her about entering the apartment to look around. Det. Latorre did not remember the exact wording and/or specifics of their conversation. Det. Latorre stated that § 87(2)(b) was very polite and gave Sgt. Anderson consent to enter her apartment. Det. Latorre did not remember § 87(2)(b)'s exact words when she consented to the entry. § 87(2)(b) stepped aside and allowed Sgt. Anderson to enter the apartment. § 87(2)(b) stayed in the kitchen area of the apartment, which is approximately five feet from the front door. Det. Latorre did not remember if Sgt. Anderson said anything about a warrant to § 87(2)(b).

Det. Latorre and Det. Sheridan did not enter the apartment, but remained in the open doorway on the hallway side. Det. Latorre observed § 87(2)(b) and a younger woman (identified by the investigation as § 87(2)(b) with a child who sat in the kitchen area. Det. Latorre kept the women company and spoke to them. Det. Latorre was not aware of what exactly Sgt. Anderson was looking for when they arrived at the apartment. He did not recall if they were looking for a man/§ 87(2)(b)'s son. Det. Latorre and Det. Sheridan did not further enter the apartment during the interaction. Det. Latorre could not see what Sgt. Anderson was doing in the apartment from where he was standing.

Approximately three to four minutes later, Sgt. Anderson reemerged and approached the officers. The sergeant told the detectives that he had recovered a gun. Det. Latorre did not remember seeing Sgt. Anderson holding the gun, and he was not sure how exactly it was brought out of the apartment. Sgt. Anderson went back over to § 87(2)(b) and § 87(2)(b) in the kitchen area and spoke to them again. Det. Latorre was not sure of what Sgt. Anderson said to them. The three officers then left the location. The officers were at the apartment for approximately 10 minutes.

At no point during the incident did § 87(2)(b) make it clear that she did not want Sgt. Anderson in her apartment. Sgt. Anderson did not push open the door to the apartment at any point, and Det. Latorre and Det. Sheridan did not do so. Det. Latorre did not tell § 87(2)(b) that her son was selling drugs, and he did not hear the other officers say that. Det. Latorre did not remember any conversations about § 87(2)(b)'s son being on probation.

Witness Officer: DET TIMOTHY SHERIDAN

- § 87(2)(b) *old on the date of the incident, Det. Sheridan is a white male who is 6'0", 275 lbs., with grey hair, and green eyes.*

Confirmation of Retirement

Det. Timothy Sheridan was confirmed to be retired as of September 26, 2014 (encl. 23A).

Witness Officer: LT PETER CARRETTA

- § 87(2)(b) *old on the date of the incident, Lt. Carretta is a white male who is 5'10", 210 lbs., with brown hair, and brown eyes.*
- *On the date of the incident, Lt. Carretta worked from 12:15 p.m. to 9:00 p.m. Lt. Carretta was in plainclothes and was assigned to warrant enforcement.*

Memo Book: Lt. Carretta's memo book (encl. 8A-8B) notes that at 10:30 p.m., he had a tac meeting. At 11:45 p.m., a search warrant was conducted by PO Jimenez at § 87(2)(b).

§ 87(2)(b) The apartment was entered and he supervised a search. The subject was not at the location.

CCRB Statement

On June 25, 2014, Lt. Peter Carretta was interviewed at the CCRB (encl. 9A-9B). His statement is summarized below.

On May 15, 2013, at approximately 11:30 p.m., Lt. Carretta was assigned to execute a search warrant at § 87(2)(b) in Brooklyn with his tactical team. Lt. Carretta and his team approached the building § 87(2)(b) went to apartment listed on the search warrant, and entered it. The apartment was vacant.

Lt. Carretta remained on scene with several members on his team who searched the apartment and recovered evidence. Other members of the team left during the search, but Lt. Carretta did not remember which (or how many) officers stayed for the search and which left. Lt. Carretta then returned to his stationhouse to process the evidence that was recovered. Lt. Carretta did not know what time his team split up. Lt. Carretta stated that, to his recollection, § 87(2)(b) remained vacant for the duration of the search.

The undersigned showed Lt. Carretta the tactical plan for § 87(2)(b) and he confirmed that it was for the search he was referring to. Lt. Carretta did not specifically remember working with the officers listed that night, but said that if they were listed on the plan they were the officers present.

Lt. Carretta did not go to any additional locations on the night of the incident in regards to this warrant. No officers went to other locations in regards to this investigation on the night of the incident under Lt. Carretta's direction.

While Lt. Carretta was at the stationhouse processing the recovered evidence, an officer told him that a firearm involved in the case was recovered from a separate location. Lt. Carretta did not know what location the gun was recovered from and he did not remember who told him about it. Lt. Carretta did not know if any officers went to § 87(2)(b) § 87(2)(b) on the night of the incident. He did not recall ever becoming aware of officers being at that location.

Witness Officer: DET. CHARNE JIMENEZ

- § 87(2)(b) old on the date of the incident, Det. Jimenez is a Hispanic male who is 5'6", 270 lbs., bald, and has brown eyes.
- On the date of the incident, Det. Jimenez worked from 5:27 p.m. to 2:00 a.m. He was assigned to warrant enforcement, was working in a field team, and was in plainclothes.

Memo Book: Det. Jimenez's memo book (encl. 11A-11F) notes that at 11:45 p.m., he enforced search warrant #§ 87(2)(b) at § 87(2)(b) At 12:30 a.m., 29 twist bags of crack cocaine and a ziplock bag containing marijuana were recovered, as were a scale and numerous empty ziplock bags. At approximately the same time, a subject (§ 87(2)(b)) was arrested at the 67th Precinct in regards to the search warrant. A firearm was recovered at the subject's second home address § 87(2)(b) § 87(2)(b). No one was home at § 87(2)(b) at the time of the search. At 1:05 a.m., Det. Jimenez returned to the 67th Precinct stationhouse. At 1:10 a.m., through chain of custody, Det. Jimenez received a .357 Magnum revolver from Sgt.

Anderson, which he secured and made safe. At 3:30 a.m., Det. Jimenez noted the arrest of § 87(2)(b) [REDACTED]

Arrest Reports for § 87(2)(b) [REDACTED]

The Arrest Reports for § 87(2)(b) [REDACTED] (encl. 12A-12C, 13A-13C) were both prepared by Det. Jimenez. Both arrest reports are from 12:30 a.m. on May 16, 2013, and list the arrest location as the 67th Precinct stationhouse. One arrest report's narrative states that § 87(2)(b) [REDACTED] and another apprehended person were found in possession of a quantity of a controlled substance (marijuana) and drug paraphernalia drug the execution of a valid Kings County Supreme Court search warrant (§ 87(2)(b) [REDACTED]). The second arrest report's narrative states that § 87(2)(b) [REDACTED] was found to be in possession of a loaded firearm. Both arrest reports list § 87(2)(b) [REDACTED]'s permanent home address as the incident location.

CCRB Statement

On September 12, 2014, Det. Charne Jimenez was interviewed at the CCRB (encl. 14A-14B). His statement is summarized below.

On May 15, 2013, at approximately 11:45 p.m., Det. Jimenez executed a search warrant at § 87(2)(b) [REDACTED] in Brooklyn. Det. Jimenez was working with a field team, but did not remember which officers he was working with. Ten minutes into the search, approximately half of the field team (Det. Jimenez was not sure of how many officers) went to § 87(2)(b) [REDACTED] to look for § 87(2)(b) [REDACTED] as he was not at the Kings Highway location. Members of Det. Jimenez's team had known about the § 87(2)(b) [REDACTED] address as a possible location for § 87(2)(b) [REDACTED] prior to executing the search warrant.

The undersigned showed the tactical plan to Det. Jimenez and he stated that Lt. Carretta and PO Breton remained on scene with him throughout the search. He did not remember which other officers remained at § 87(2)(b) [REDACTED]

Det. Jimenez remained on scene at § 87(2)(b) [REDACTED] for approximately 45 minutes. He never went to the incident location (§ 87(2)(b) [REDACTED]). Det. Jimenez stated that there was no search warrant for the incident location (§ 87(2)(b) [REDACTED]) or any other location.

After searching § 87(2)(b) [REDACTED] Det. Jimenez returned to the stationhouse. At the stationhouse, Sgt. Anderson told Det. Jimenez that a loaded gun was recovered from the incident location (§ 87(2)(b) [REDACTED]), and that § 87(2)(b) [REDACTED] was not at the location when they recovered it. Sgt. Anderson told Det. Jimenez that the officers had gotten in contact with § 87(2)(b) [REDACTED] and that he was arrested at the 67th Precinct stationhouse. Det. Jimenez stated that, to his knowledge, Sgt. Anderson was present at § 87(2)(b) [REDACTED]. Det. Jimenez was not aware of any officers who went to the § 87(2)(b) [REDACTED] location, other than Sgt. Anderson. Det. Jimenez did not become aware of any incidents that transpired at the § 87(2)(b) [REDACTED] location. Det. Jimenez unloaded the recovered gun and vouchered it. Det. Jimenez then fingerprinted § 87(2)(b) [REDACTED] at the stationhouse.

NYPD Documents

Search Warrant Plan

The Search Warrant Plan (encl. 40A-40B) was requested by PO Jimenez, and notes that § 87(2)(b) [REDACTED] is the location to be searched.

Criminal Court Complaint for § 87(2)(b)

The Criminal Court Complaint for § 87(2)(b) (encl. 41A-41C) was filed by PO Jimenez, and notes that Sgt. Anderson told PO Jimenez that he was at the incident location and was led to a bedroom where he observed a photo of § 87(2)(b) mail addressed to him, and what appeared to be the butt of a gun protruding from a sock on the floor of the bedroom. Sgt. Anderson recovered a .357 Magnum revolver that was loaded with five rounds of .38 caliber ammunition.

Other Evidence

Call to NYC Office of Probation

On October 9, 2014, the undersigned called the NYC Probation Office and confirmed that § 87(2)(b) was on probation at the time of the incident. The employee from the Probation Office stated that § 87(2)(b)'s probation officer from the time of the incident no longer works at the office, and she was unable to provide further details on the circumstances of his probation.

Arrest for Incident and Disposition

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Status of Civil Proceedings

- On October 9, 2014, a FOIL request for a notice of claim was submitted (encl. 48A-48B). To date, no response has been received.

Civilian's CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 2A).

Subject Officer's CCRB History

- Sgt. Anderson has been a member of the service for ten years and there are three substantiated CCRB allegations against him. (encl. 1A-1B):
 - In CCRB case number 201101623, two allegations of an entry and search were substantiated against Sgt. Anderson. The CCRB recommended charges, the NYPD disposition was a command discipline, and a command discipline was enforced.
 - In CCRB case number 201303204, an allegation of a vehicle search was substantiated against Sgt. Anderson. The CCRB recommended charges, and the NYPD disposition and penalty are pending.

Conclusion

Identification of Subject Officer

Sgt. Anderson acknowledged being the supervising officer on scene and the first officer to enter the incident location. § 87(2)(g)

Investigative Findings and Recommendations

Allegation A—Abuse of Authority: Sgt. Terrell Anderson entered and searched 270 East 95th Street, Apt. D8, in Brooklyn.

It is undisputed that Sgt. Anderson entered the incident location and that § 87(2)(b) allowed him to do so.

§ 87(2)(b) stated that she heard knocks on her front door and asked who it was. Through the door, a voice said that they were the police, and asked if § 87(2)(b) was home. § 87(2)(b) said he was not home, and the police said that they had a warrant. § 87(2)(b) said okay, and then heard the officers talking amongst themselves about a warrant. § 87(2)(b) said excuse me, and the officers told her that they wanted to ask § 87(2)(b) a few questions, and asked her if he was on probation. § 87(2)(b) said that § 87(2)(b) is on probation, and the police told her that because he is on probation she had to open the door. § 87(2)(b) opened her apartment door approximately two inches, and the officers pushed open the door further and entered § 87(2)(b)'s apartment. § 87(2)(b) stated that she allowed the officers into her apartment because they had said that he was on probation.

Sgt. Anderson stated that he knocked on the door of the incident location and § 87(2)(b) opened the door. Sgt. Anderson identified himself by name, said he was with the NYPD, and showed § 87(2)(b) his shield. Sgt. Anderson did not speak to § 87(2)(b) through the door prior to his interaction. Sgt. Anderson asked § 87(2)(b) if her son was home, and she said that he was not. Sgt. Anderson asked if he could come into to verify that § 87(2)(b) was not home. § 87(2)(b) said that Sgt. Anderson could check, told him, "Come in," and then opened the door to the apartment, stepped back, and walked into the apartment. No officers pushed open § 87(2)(b)'s door at any point. Sgt. Anderson did not tell § 87(2)(b) that he did not need a warrant because her son was on probation, and he did not hear any other officers say that. Sgt. Anderson stated that § 87(2)(b) being on probation did not come up at all.

Det. Latorre corroborated Sgt. Anderson's statement, and said that he did not remember any conversations about the woman's son being on probation.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date